

Announcement of appeal¹

| | |
|-----------------------------|---|
| Published on | 23 June 2021 |
| Case | A-007-2021 |
| Appellant | Global Product Compliance (Europe) AB, Sweden |
| Appeal received on | 14 May 2021 |
| Subject matter | A decision taken by the European Chemicals Agency (the 'Agency') pursuant to Article 46 of the REACH Regulation, in accordance with the procedure laid down in Articles 50 and 51 of the REACH Regulation |
| Keywords | <i>Substance evaluation – Request for further information – Simulation testing on ultimate degradation in surface water – Identification and quantification of transformation and/or degradation products</i> |
| Contested Decision | SEV-D-2114541764-45-01/F of 15 February 2021 |
| Language of the case | English |

Background to the case

The present case concerns a decision requesting further information on the substance N-[4-[(9,10-dihydro-4-hydroxy-9,10-dioxo-1-anthryl)amino]phenyl]acetamide (EC No 267-636-0, CAS No 67905-17-3; the 'Substance').

By the Contested Decision, the Agency required the registrants of the Substance to submit the following information:

- Simulation testing on ultimate degradation in surface water: Aerobic mineralisation in surface water – simulation biodegradation test; test method EU C.25/OECD test guideline ('TG') 309, using certain specified methods in order to identify and quantify the transformation and/or degradation products of the Substance,

or, alternatively, if it can be demonstrated by sound justification that simulation testing in surface water is not technically feasible:

- Sediment simulation testing; test method: Aerobic and anaerobic transformation in aquatic sediment systems, EU C.24/OECD TG 308, using certain specified methods in order to identify and quantify the transformation and/or degradation products of the Substance.

¹ Announcement published in accordance with Article 6(6) of Regulation (EC) No 771/2008 laying down the rules of organisation and procedure of the Board of Appeal of the European Chemicals Agency as amended by Commission Implementing Regulation (EU) 2016/823.

The Appellant, who is a registrant of the Substance, requests the Board of Appeal to annul the Contested Decision and to confirm that the simulation testing on ultimate degradation in surface water (EU C.25/OECD TG 309) can be carried out without using accordingly radiolabelled Substance.

Pleas in law and main arguments

The Appellant claims that ECHA adopted the Contested Decision without considering any information submitted by the Appellant during the course of the decision-making procedure, namely that the OECD TG 309 study should be carried out without radio-labelling the relevant molecules. The Appellant claims that ECHA failed to objectively consider the justifications the Appellant made in relation to the draft decision during the decision-making procedure.

Further information

The rules for the appeal procedure and other background information are available on the 'Appeals' section of the Agency's website:

<http://echa.europa.eu/web/guest/regulations/appeals>